



City of Yelm
EST. 1924
WASHINGTON

NOTICE OF DECISION

DATE: July 7, 2021
PROJECT NAME: Grand Star Shell Subdivision Alteration
PROJECT LOCATION: 706 Yelm Ave E
PARCEL NUMBER: 22730110201
CASE NUMBER: 2021.0281.SP0006

NOTICE IS HEREBY GIVEN that the Community Development Department issued a subdivision alteration approval to Grand Star, Inc at the above referenced location.

The complete decision may be viewed on the City's website at www.yelmwa.gov and choosing 'I Want To' then 'View' then 'Public Notices' from the menu system. A copy of the decision may also be obtained at the Community Development Department in City Hall at 106 2nd Street SE, Yelm, WA 98597 during normal business hours for a fee of 15 cents per page. For additional information, please contact the Community Development Department at 360-458-3835.

ADMINISTRATIVE SITE PLAN REVIEW 2021.0281.SP0006

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

FINDINGS OF FACT

1. Grand Star, Inc proposes to alter an existing subdivision located at 706 Yelm Ave E, Yelm, WA, identified by Assessor's Tax Parcel Number 22730110201. The project includes adjusting the lot line between lots A and B and recording a new easement agreement.
2. Lot A is currently developed as Cafe Elite Espresso Stand and lot B is developed as Shell gas station. The surrounding properties are all developed commercially. The total area of both lots is approximately 1.68 acres.
3. The properties are zoned Commercial (C-1) which is codified at Chapter 18.36 YMC. The C-1 district is intended to permit retail and service oriented establishments.
4. Grand Star, Inc submitted a site plan review application on May 25, 2021, and it was determined to be complete on June 11, 2021.
5. As required by Section 18.10.050 YMC, the Yelm Community Development Department mailed a Notice of Application to local and state agencies and surrounding property owners on June 11, 2021. In addition, the notice was published on the City's website on June 11, 2021 and published in the Nisqually Valley News on June 17, 2021. No comments were received.
6. Pursuant to Section 58.17.215 RCW, the alteration of any subdivision requires an application containing the signatures of the majority of all persons having an ownership interest of lots, parcels, sites, or divisions in the subject subdivision to be altered.

The applicant for this subdivision alteration, Grand Star, Inc, owns lots A and B.
7. Pursuant to Section 64.04.175 RCW, easements established by dedication cannot be extinguished or altered without the approval of the easement owner(s), unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

The project as proposed includes alterations of the utility, access, parking, sign, refuse, and construction/maintenance easements between lots A and B.
8. Chapter 18.16 YMC requires a determination that the infrastructure facilities necessary to serve a proposed development are in place or planned for and properly funded with a reasonable expectation that the facilities will be in place at the time needed to preserve adopted levels of service.
 - a. Concurrency with sewer infrastructure means the project is within an area approved for sewer pursuant to the adopted sewer comprehensive plan for the City and improvements necessary to provide facilities and services are present to meet the needs of the proposed development.

Lots A and B are currently connected to the City sewer system.

This satisfies the concurrency requirement for sewer.

- b. Concurrency with water infrastructure means the project is within an area approved for municipal water service pursuant to the adopted water comprehensive plan for the City and improvements necessary to provide services are present.

Lots A and B are currently connected to the City water system.

This satisfies the concurrency requirement for water.

- c. Concurrency with transportation infrastructure means that the project completes frontage improvements, makes off-site improvements required for the safe movement of traffic and pedestrians if impacted by traffic from the development, and pays a traffic facilities charge.

The parcels front 103rd Ave NE and SR-507, which are currently constructed to City standards.

There are no Transportation Facility Charges due as no additional square footage is proposed to either building.

This satisfies the concurrency requirement for transportation.

- d. Concurrency with school infrastructure means the developer pays a school impact fee at the time of construction.

The project does not impact schools as it does not increase student population.

- e. Concurrency with fire protection means the developer pays a fire impact fee at the time of construction.

There are no fire impact fees due as no additional square footage is proposed to either building.

This satisfies the concurrency requirement for fire protection.

- 9. Pursuant to WAC 197.11.800(6)(d), the approval of subdivisions is exempt from SEPA review.
- 10. The Yelm Critical Areas and Resource Lands, Chapter 18.21 YMC provides protection for critical aquifer recharge areas, frequently flooded areas, wetlands, geologically hazardous areas, and fish and wildlife habitat conservation areas.
 - a. All of Yelm is identified as a critical aquifer recharge area. Compliance with Federal, State, and County water source protection regulations and with the City's adopted stormwater regulations is required to protect the aquifer. [Section 18.21.070 (C) YMC]
 - b. The Mazama Pocket Gopher has been listed as a threatened species by the Washington Department of Fish and Wildlife since at least 2008. Yelm has protected this species through the implementation of the Critical Areas Code. When a development occurs on property suspected to be occupied by the Mazama Pocket Gopher, the Community Development Department has required the applicant prepare a critical areas report which would include mitigation measures if it was determined

that pocket gophers would be impacted by the proposed development. The Washington Department of Fish and Wildlife is provided with notice of all threshold determinations issued pursuant to the State Environmental Policy Act and the City consults with the Department when a critical areas report is required.

In April, 2014, the U.S. Fish and Wildlife Service listed the Yelm subspecies of the Mazama Pocket Gopher as threatened under the Endangered Species Act. While the City of Yelm is not responsible for implementation or enforcement of the Endangered Species Act, it consults with the Service and provides notice to applicants that the pocket gopher is a federally protected species and a permit from the U.S. Fish and Wildlife Service may be required.

Compliance with Yelm's requirements under the Critical Areas Code does not ensure compliance with the provisions of the Endangered Species Act. The applicant should contact the US Fish and Wildlife Service with any questions about compliance with Federal standards for threatened species.

11. Fire protection to the buildings must be provided per the International Fire Code. The specific requirements for installation of additional fire hydrants will be determined during civil plan review. The International building code (IBC) provides occupancy ratings for different types of uses. The fire coverage system for the proposed use must meet IBC requirements.

Identified in the 2002 City of Yelm Water Comprehensive Plan is a requirement to install fire hydrant locks as part of the City's water conservation and accountability program.

Additional fire hydrants are not required for the proposed development.

12. All of Yelm is considered a critical aquifer discharge area. The control and treatment of stormwater is required to protect the critical aquifer. The City has adopted the latest edition of the Stormwater Management Manual for Western Washington (SMMWW) published by the Washington Department of Ecology. [Chapter 18.27 YMC].

Stormwater from new impervious surfaces is required to be treated and released. Roof runoff shall be distributed to individual dry wells.

13. Title 18 YMC is the Unified Development Code for the City of Yelm and establishes standards for development within the various zoning districts. The subject property is identified by the Zoning Map as being within the C-1 zoning district. Surrounding properties are developed commercially.
 - a. Retail and service oriented establishments are allowed in the C-1 zone as permitted uses [Section 18.36.020 YMC].
 - b. Setback requirements for the C-1 zoning district are 15 foot front yard, 10 foot side yard, and 20 foot rear yard. The minimum driveway approach is 20 feet [Section 18.36.040 YMC].
 - c. Buildings in the C-1 zoning district may be up to 40 feet in height. [Section 18.36.040 YMC].

14. Chapter 13.04 YMC and Chapter 6 of the Development Guidelines establish requirements for connection to the City’s water system. Water service connections are by a service line and water meter in the public right-of-way. [Section 13.04.110 YMC].

The proposed site is currently connected to the City of Yelm’s water system.

The City implements a cross-connection and backflow control program pursuant to Title 43 RCW and Chapter 248-54 WAC [Section 13.04.220 YMC]. Backflow prevention assemblies are required at Lot A and Lot B to protect Yelm’s water system from cross-connections [Section 13.04.220 (D) YMC].

15. Chapter 13.08 YMC and Chapter 7 of the Development Guidelines establish requirements for connection to the City’s sewer system. Development requires extension of utility lines to all property frontages.

The proposed site is currently connected to the City of Yelm’s sewer system.

Any commercial use that potentially generates Fats, Oils, or Greases (FOG) is required to remove FOG from the wastewater before it enters the STEP tank. Installation of a grease interceptor is required on Lot A.


CONCLUSIONS OF LAW

- A. Section 18.13.050 (B) YMC allows the Site Plan Review Committee to approve a proposal when the preliminary site plan conforms to the standards, provisions and policies of the city as expressed in its various adopted plans and ordinances.
- B. Grand Star, Inc has established that the request for site plan review approval can satisfy all criteria set forth in Section 18.13.050(C) YMC, meet all requirements of the C-1 Commercial Zoning classification, and meet all other requirements of the Yelm Municipal Code. Therefore, the preliminary site plan should be approved subject to the following conditions:
 1. A Declaration of Easements, Covenants, and Restrictions must be signed and recorded.
 2. If new fire hydrants are installed, hydrant locks are required.
 3. Stormwater from new impervious surfaces is required to be treated and released. Roof runoff shall be distributed to individual dry wells.
 4. Installation of backflow prevention assemblies are required at Lot A and Lot B.
 5. Installation of a grease interceptor is required on Lot A.
- C. The subdivision alteration is valid for five (5) years from the date of this approval unless construction has begun and all other required permits have been issued.

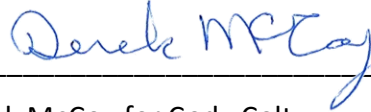
DECISION

The request for subdivision alteration is hereby granted subject to the conditions contained in the conclusions above.

Dated this 7th day of July, 2021

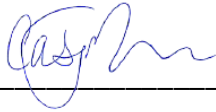


Grant Beck,
Community Development Director



Derek McCoy for Cody Colt
Public Works Director

Prepared this 16th day of June, 2021



Casey Mauck,
Assistant Planner

APPEAL

The Site Plan Review Committee's decision in this matter may be appealed pursuant to Chapter 18.10 YMC, to the City of Yelm Hearing Examiner no later than 21 days from the date of this decision. An appeal must be in writing, contain specific factual objections, and include the appeal fee of \$1,250.00.